IN THE HIGH COURT OF JHARKHAND AT RANCHI
C. M. P. No. 152 of 2014
in
Arbitration Appeal No. 19 of 2007

M/s The Indian Builders, Singhbhum East ..... Appellant/Petitioner
Versus
State of Jharkhand & ors. ..... Respondents/Respondents

CORAM: HON'BLE MR. JUSTICE D.N.PATEL

For the petitioner : Mr. Shishir Suman, Advocate
For the State: Mr. Vikash Kishore Prasad, Advocate

Order No. 02: Dated 4th July, 2014
Per D.N. Patel, J.

1. Learned counsel for the petitioner submitted that some dispute had arisen in between the petitioner and the respondents-State authorities in regard to certain works, for which arbitration clause was invoked, arbitration proceedings commenced and concluded under Section 34 of the Arbitration and Conciliation Act, against which First Appeal was also preferred and thereafter, up to the Hon'ble Supreme Court the initial round of litigation has been over. Several claims were allowed with interest and principal amount has already been paid. Three types of interest have been ordered, which are as under:

   (a) 13% per annum with effect from 23rd September, 1991 till the date of award;

   (b) 12% per annum with effect from 30th May, 2001 till the date of award; and

   (c) 15% per annum from the date of award till the date of actual payment.

2. When the aforesaid amounts towards the interest have not been paid by the respondent-State, Execution Case No. 49 of 2007 has been instituted by this petitioner before the Civil Judge (Sr. Division)-I, Jamshedpur.

3. Learned counsel for the petitioner submitted that let a suitable direction be given for expediting the hearing of Execution Case No. 49 of 2007, so that up to the month of September, 2014 the Execution case may come to an end. Every day, approximately an amount of Rs. 16,610/- is accruing towards interest. Learned counsel for the petitioner submits that he is ready and willing to cooperate before the learned Civil Judge (Sr. Division)-I, Jamshedpur.

4. Learned counsel for the respondent-State submits that they are also ready and willing to cooperate with the hearing of Execution Case before learned Civil Judge (Sr. Division)-1, Jamshedpur and let a suitable direction be given for final disposal of Execution Case No. 49 of 2007.

5. In view of the aforesaid submission and looking to the facts and circumstance of the case and also looking to the earlier round of litigation, which went up to the Hon'ble Supreme Court, and also looking to the fact that only interest part is to be paid, for which Execution case is going on, wherein, learned counsel for the petitioner has relied upon several documents, including the letters, written by the high-ranking officers of the State of Jharkhand, I hereby direct the Civil Judge (Sr. Division)-I, Jamshedpur to expedite the final hearing of Execution Case No. 49 of 2007. Learned counsel for both the sides have submitted that they shall not ask for any unnecessary adjournment and hence, on day to day basis the Execution case shall be concluded and decided, because per day an amount of Rs.16,610/- is accruing towards interest, as stated by the learned counsel for the petitioner, and at the end of every month the report shall be made by the learned Civil Judge (Sr. Division)-I, Jamshedpur about the progress in Execution Case No. 49 of 2007 before this Court.

6. Registry of this Court is directed to send a copy of this order initially by fax and thereafter, through registered post to the court concerned i.e. Civil Judge (Sr. Division)-I, Jamshepur.

7. The matter is adjourned on **4th August, 2014**.

(D.N. Patel, J.)

A.K.Verma/